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10/612,398	07/01/2003	Markus Aholainen	944-004.030	3214
4955	7590	05/16/2005	EXAMINER	
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			PHUONG, DAI	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/612,398

Applicant(s)

AHOLAINEN ET AL.

Examiner

Dai A Phuong

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Claims 1-24 are objected to because claims are presenting numerical, e.g., "(11)".

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9, 13-18 and 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Kukkohovi (U.S. 6,119,003).

Regarding claim 1, Kukkohovi discloses a method by which a first device (11) provides a connection (14) to a second device (12) (col. 3, lines 7-18), characterized by: a step (20) in which the first device (11) obtains association information (11d 11d') including a list of at least two possible bearers for providing the connection (14) (col. 2, lines 23-34); and a step (28) in which the first device (11) selects one of the at least two possible bearers based on a predetermined selection strategy (11b) or by trying each of the at least two possible bearers in turn until the connection (14) is made (col. 4, lines 42-59); thereby automatically selecting a bearer for providing the connection (14) to the second device (12) without requiring an input by a user of the first device (11) at the time of providing the connection (14) (col. 4, lines 42-59. Inherently, after selecting the network, it automatically provides a connection between the mobile terminal 10 with others).

Regarding claim 2, Kukkohovi discloses all the limitation in claim 1. Further, Kukkohovi discloses a method further characterized by: a step (20) in which the association

information is stored in a contacts bearer data store (11d 11d') (col. 4, lines 3-7); and a step (24) in which the first device (11) refers to the contacts bearer data store (11d 11d') accessible to the first device (11) to obtain a list of at least two possible bearers for providing the connection (14) (col. 4, lines 42-59).

Regarding claim 3, Kukkohovi discloses all the limitation in claim 2. Further, Kukkohovi discloses a method further characterized by: a step (24) in which the first device (11) refers to an owner bearer data store (11c) to obtain a list of bearers available to the first device (11) (col. 4, lines 3-7) and also refers to a bearer selection strategy data store (11b) to obtain the predetermined selection strategy (col. 5, lines 44-59); and a step (25) in which the first device (11) refers to the contacts bearer data store (11d 11d') to obtain a list of possible bearers for providing the connection (14) and an address for each of the possible bearers (col. 4, lines 42-59); and a step (26) in which the first device (11) eliminates from the list of possible bearers any bearer that does not occur on the list of available bearers (col. 7, lines 29-38).

Regarding claim 4, Kukkohovi discloses all the limitation in claim 1. Further, Kukkohovi discloses a method further characterized in that a public source of contact information is used in the step (20) of obtaining association information (11d 11d') (fig. 2, col. 3, lines 19-26).

Regarding claim 5, Kukkohovi discloses all the limitation in claim 1. Further, Kukkohovi discloses a method further characterized in that in the step (20) of obtaining association information (11d 11d'), the second device (12) communicates to the first device (10)

the association information needed by the first device (10) for automatically selecting a bearer for communication with the second device (12) (col. 4, lines 42-59).

Regarding claim 6, Kukkohovi discloses all the limitation in claim 1. Further, Kukkohovi discloses a method wherein the predetermined selection strategy (11b) indicates selecting a bearer based on at least one of the following selection criteria: acceptable price; acceptable bandwidth; acceptable latency; as ordered in a list (11d 11d') hosted in the first device (11); fastest to connect when the first device (11) attempts to make different connections in parallel to the second device (12) via different possible bearers; wherein the acceptable price, acceptable bandwidth, and acceptable latency are as compared to predetermined thresholds for price, bandwidth and latency (col. 5, lines 44-59).

Regarding claim 7, Kukkohovi discloses all the limitation in claim 6. Further, Kukkohovi discloses a method wherein the predetermined threshold for latency indicates a minimum quality of service (QoS) requirement for the connection (14) (col. 5, line 60 to col. 6, line 1-8).

Regarding claim 8, Kukkohovi discloses all the limitation in claim 7. Further, Kukkohovi discloses a method further comprising a step (29) of periodically checking the QoS requirement during communication via the connection (14) and initiating a bearer change if the QoS is no longer sufficient (col. 5, line 60 to col. 6, line 1-8).

Regarding claim 9, Kukkohovi discloses all the limitation in claim 1. Further, Kukkohovi discloses a method wherein the association information (11d 11d') includes a bearer

identifier for each of at least two different bearers associated with the second device (12) (col. 3, lines 18-30).

Regarding claim 13, Kukkohovi discloses a computer program product comprising: a computer readable storage structure embodying computer program code thereon for execution by a computer processor in a first device (11), said computer program code for use in providing for the first device (11) a connection (14) to a second device (12) (col. 3, line 60 to col. 4, line 12), said computer program code comprising: computer program code for causing the computer processor to perform a step (20) in which the first device (11) obtains association information (11d 11d') including a list of at least two possible bearers for providing the connection (14) (col. 3, line 60 to col. 4, line 12); and computer program code for causing the computer processor to perform a step (28) in which the first device (11) selects one of the at least two possible bearers based on a predetermined selection strategy (11b) or by trying each of the at least two possible bearers in turn until the connection (14) is made (col. 3, line 60 to col. 4, line 12); said computer program code thereby providing functionality for automatically selecting a bearer for providing the connection (14) to the second device (12) without requiring an input by a user of the first device (11) at the time of providing the connection (14) (col. 3, line 60 to col. 4, line 12).

Regarding claim 14, Kukkohovi discloses all the limitation in claim 13. Further, Kukkohovi discloses a computer program product further characterized by: computer program code for causing the computer processor to perform a step (20) of storing the association information in a contacts bearer data store (11d 11d') (col. 3, line 60 to col. 4, line 12); and computer program code for causing the computer processor to perform a step (24) in which the first device (11) refers to the contacts bearer data store (11d 11d') accessible to the first device

(11) to obtain a list of at least two possible bearers for providing the connection (14) (col. 3, line 60 to col. 4, line 12).

Regarding claim 15, Kukkohovi discloses an apparatus included in a first device (11) for enabling the first device (11) to provide a connection (14) to a second device (12) (col. 3, lines 7-18), characterized by: means (11a) for obtaining association information (11d 11d') including a list of at least two possible bearers for providing the connection (14) (col. 4, lines 42-59); and means (11a) for selecting one of the at least two possible bearers based on a predetermined selection strategy (11b) or by trying each of the at least two possible bearers in turn until the connection (14) is made (col. 5, lines 44-59); thereby enabling automatic selection of a bearer for providing the connection (14) to the second device (12) without requiring an input by a user of the first device (11) at the time of providing the connection (14) (col. 4, lines 42-59. Inherently, after selecting the network, it automatically provides a connection between the mobile terminal 10 with others).

Regarding claim 16, Kukkohovi discloses all the limitation in claim 15. Further, Kukkohovi discloses an apparatus further characterized by: means (20) for storing the association information in a contacts bearer data store (11d 11d') (col. 4, lines 3-7); and means (24) by which the first device (11) refers to the contacts bearer data store (11d 11d') accessible to the first device (11) to obtain a list of at least two possible bearers for providing the connection (14) (col. 4, lines 42-59).

Regarding claim 17, Kukkohovi discloses all the limitation in claim 15. Further, Kukkohovi discloses an apparatus wherein the predetermined selection strategy (11b) indicates

selecting a bearer based on at least one of the following selection criteria: acceptable price; acceptable bandwidth; acceptable latency; as ordered in a list (11d 11d') hosted in the first device (11); fastest to connect when the first device (11) attempts to make different connections in parallel to the second device (12) via different possible bearers; wherein the acceptable price, acceptable bandwidth, and acceptable latency are as compared to predetermined thresholds for price, bandwidth and latency (col. 5, line 60 to col. 6 line 8).

Regarding claim 18, Kukkohovi discloses all the limitation in claim 15. Further, Kukkohovi discloses an apparatus wherein the association information (11d 11d') includes a bearer identifier for each of at least two different bearers associated with the second device (12) (col. 3, lines 19-30).

Regarding claim 20, Kukkohovi discloses a system comprising a first device (11) and a second device (12), with the first device (11) including an apparatus for enabling the first device (11) to provide a connection (14) to the second device (12) (col. 3, lines 7-18), the system characterized in that the apparatus comprises: means (11a) for obtaining association information (11d 11d') including a list of at least two possible bearers for providing the connection (14) (col. 4, lines 42-59); and means (11a) for selecting one of the at least two possible bearers based on a predetermined selection strategy (11b) or by trying each of the at least two possible bearers in turn until the connection (14) is made (col. 5, lines 44-59); thereby enabling automatic selection of a bearer for providing the connection (14) to the second device (12) without requiring an input by a user of the first device (11) at the time of providing the connection (14) (col. 4, lines 42-59. Inherently, after selecting the network, it automatically provides a connection between the mobile terminal 10 with other mobile devices).



Regarding claim 21, Kukkohovi discloses all the limitation in claim 20. Further, Kukkohovi discloses a system further characterized in that the apparatus also comprises: means (20) for storing the association information in a contacts bearer data store (11d 11d') (col. 4, lines 3-7); and means (24) by which the first device (11) refers to the contacts bearer data store (11d 11d') accessible to the first device (11) to obtain a list of at least two possible bearers for providing the connection (14) (col. 4, lines 42-59).

Regarding claim 22, Kukkohovi discloses all the limitation in claim 20. Further, Kukkohovi discloses a system wherein the predetermined selection strategy (11b) indicates selecting a bearer based on at least one of the following selection criteria: acceptable price; acceptable bandwidth; acceptable latency; as ordered in a list (11d 11d') hosted in the first device (11); fastest to connect when the first device (11) attempts to make different connections in parallel to the second device (12) via different possible bearers; wherein the acceptable price, acceptable bandwidth, and acceptable latency are as compared to predetermined thresholds for price, bandwidth and latency (col. 5, line 60 to col. 6, line 8).

Regarding claim 23, Kukkohovi discloses all the limitation in claim 20. Further, Kukkohovi discloses a system wherein the association information (11d 11d') includes a bearer identifier for each of at least two different bearers associated with the second device (12) (col. 3, lines 19-30).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-12, 19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kukkohovi (U.S. 6,119,003) in view of Ha et al. (Pub. No: 2004/0243684).

Regarding claim 10, Kukkohovi discloses all the limitation in claim 9. But, Kukkohovi does not disclose a method wherein the association information (11d 11d') further includes an address for use with each bearer associated with the second device (12).

In the same field of endeavor, Ha et al. disclose a method wherein the association information (11d 11d') further includes an address for use with each bearer associated with the second device (12) ([0105]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile terminal of Kukkohovi by specifically including the association information (11d 11d') further includes an address for use with each bearer associated with the second device (12), as taught by Ha et al. the motivation being in order to enable the devices to communicate with each other.

Regarding claim 11, Kukkohovi discloses all the limitation in claim 1. But, Kukkohovi does not disclose a method wherein in the step (28) of selecting a bearer, the first device (11) attempts to connect to the second device (12) based on an association of the second device (12) linking the second device (12) to a name of an intended recipient.

In the same field of endeavor, Ha et al. disclose a method wherein in the step (28) of selecting a bearer, the first device (11) attempts to connect to the second device (12) based on an

association of the second device (12) linking the second device (12) to a name of an intended recipient ([0105]. Obviously, in order to establishes a connection between the device 1 (master) and device 2 (slave) by selecting the network, e.g., bases on network's address).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile terminal of Kukkohovi by specifically including selecting a bearer, the first device (11) attempts to connect to the second device (12) based on an association of the second device (12) linking the second device (12) to a name of an intended recipient, as taught by Ha et al. the motivation being in order to enable the devices to communicate with each other.

Regarding claim 12, the combination of Kukkohovi and Ha et al. disclose all the limitation in claim 11. But, Kukkohovi does not disclose a method wherein in the step (28) of selecting a bearer, the first device (11) attempts to connect to the second device (12) using the at least two different bearers included in the association information (11d 11d') as associated with the second device (12).

In the same field of endeavor, Ha et al. disclose a method wherein in the step (28) of selecting a bearer, the first device (11) attempts to connect to the second device (12) using the at least two different bearers included in the association information (11d 11d') as associated with the second device (12) ([0105]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile terminal of Kukkohovi by specifically including selecting a bearer, the first device (11) attempts to connect to the second device (12) using the at

least two different bearers included in the association information (11d 11d') as associated with the second device (12), as taught by Ha et al. the motivation being in order to enable the devices to communicate with each other.

Regarding claim 19, Kukkohovi discloses all the limitation in claim 15. But, Kukkohovi does not disclose an apparatus wherein the means (28) for selecting a bearer is so adapted that the first device (11) attempts to connect to the second device (12) based on an association of the second device (12) linking the second device (12) to a name of an intended recipient.

In the same field of endeavor, Ha et al. disclose an apparatus wherein the means (28) for selecting a bearer is so adapted that the first device (11) attempts to connect to the second device (12) based on an association of the second device (12) linking the second device (12) to a name of an intended recipient ([0105]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile terminal of Kukkohovi by specifically including selecting a bearer is so adapted that the first device (11) attempts to connect to the second device (12) based on an association of the second device (12) linking the second device (12) to a name of an intended recipient, as taught by Ha et al. the motivation being in order to enable the devices to communicate with each other.

Regarding claim 24, Kukkohovi discloses all the limitation in claim 20. But, Kukkohovi does not disclose a system further characterized in that the apparatus is such that the means (28) for selecting a bearer is so adapted that the first device (11) attempts to connect to the second

device (12) based on an association of the second device (12) linking the second device (12) to a name of an intended recipient.

In the same field of endeavor, Ha et al. disclose a system further characterized in that the apparatus is such that the means (28) for selecting a bearer is so adapted that the first device (11) attempts to connect to the second device (12) based on an association of the second device (12) linking the second device (12) to a name of an intended recipient ([0105]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile terminal of Kukkohovi by specifically including selecting a bearer is so adapted that the first device (11) attempts to connect to the second device (12) based on an association of the second device (12) linking the second device (12) to a name of an intended recipient, as taught by Ha et al. the motivation being in order to enable the devices to communicate with each other.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Martin, JR. et al. (Pub. No: 20030055912) controlling network connections

Takken (Pub. No: 20030214940) internet telephony system

Teibel (Pub. No: 20030060168) establishing ad hoc groups

Yue (Pub. No: 20040203354) Bluetooth remove access device

Vardoulis et al. (Pub. No: 20050003816) communication operating system

Hind et al. (Pub. No: 20050037755) selecting a communication network

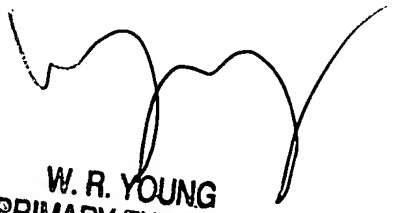
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7896.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong  
AU: 2685  
Date: 05-12-2005



W. R. YOUNG  
PRIMARY EXAMINER